

# MINUTES OF FAUQUIER COUNTY BOARD OF ZONING APPEALS

July 11, 2002

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 11, 2002, beginning at 2:00 P.M. on the 4<sup>th</sup> floor of the Fauquier County Court and Office Building, 40 Culpeper Street, Warrenton, Virginia. Members present were Mr. William Barr, Chairman; Mr. John Meadows, Vice Chairman; Mrs. Margaret Mailler, Secretary; Mr. James Van Luven; Mr. Eugene Lofdahl; Mr. Maximilian A. Tufts, Jr.; and Ms. Sonja R. Addison. Also present were Mrs. Tracy Gallehr, Assistant County Attorney; Mrs. Carolyn Bowen, Zoning Administrator; Mr. Fred Hodge, Assistant Zoning Administrator, Ms. Holly Meade, Zoning Planner and Ms. Nancy Albert, Office Associate III

**MEETING:** On motion made by Mr. VanLuven and seconded by Mr. Tufts the meeting would adjourn and reassemble at the Warren Green Building, 10 Hotel Street, Warrenton, Virginia.

**MINUTES:** On motion made by Mr. Meadows and seconded by Mr. Tufts, the June minutes were approved as submitted, the motion carried unanimously.

**LETTERS OF NOTIFICATIONS & PUBLIC NOTICE:** The Zoning Administrator stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners. Mr. Barr asked Ms. Albert to read the Public Hearing Protocol and it was read.

## **SPECIAL PERMIT #49451 HEIDI DECONDE (OWNER) & TONY HORKAN (CONTRACT OWNER)**

Applicant is requesting special permit approval to amend the conditions of a special permit issued October 3, 1991 for an indoor technical school (martial arts studio). The property is zoned Village Commercial and is located at 9151 John S. Mosby Highway, Marshall Magisterial District, Upperville, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes. He stated that Mr. Horkan had withdrawn his request to expand the maximum class size from 30 to 50 students.

Mr. Tony Horkan appeared at the meeting representing his special permit. He stated that the report given by Mr. Hodge was correct. Mr. Horkan stated that the facility will be air-conditioned and if Ms. Culler-Penney had a problem with the noise she should contact him. He also stated that a fence was installed to delineate the property lines to prevent trespassing on the adjacent property.

Mr. Meadows stated there is a traffic problem along the side of the building and Mr. Horkan had previously stated that he has not been able to control the parking along side the building.

Mr. Meadows asked if Mr. Horkan if he increased the size of the school, would he be able to control the traffic associated with the increase?

Mr. Horkan stated that he can control the traffic with the parking at the church. He has an agreement with the Methodist Church to use fifteen (15) parking spaces.

Mr. Van Luven asked if the church services would be impacted by using the parking at the same time.

Mr. Horkan said the church only had services on Sunday morning.

Mr. Lofdahl suggested that obstacles be placed at the side of the building if signs do not work and Mr. Meadows stated he thought that would make it unsafe for the traveling public the area on the side of the building is used for turning onto Route 50.

Mr. Horkan said the air conditioning unit is going on the side of the building along Route 50.

Mrs. Mailler asked if there was any break between classes, because if there was no break that would double the amount of people parking at one time, and Mr. Horkan said there are 30 minute classes with some break.

Mr. Meadows asked if the capacity is 30 on the top floor and 50 on the bottom, and Mrs. Bowen said yes if approved as requested.

Mr. Horkan said the use is upstairs and there would be no more than 30.

Mr. Tufts asked if there were four classes per day Monday through Friday. Mr. Horkan stated there is one class in the morning on Tuesday and Thursday.

Mrs. Bowen said the staff is concerned with the conveyance and the issue of the off street parking, the agreement to use the church parking was between Mr. Horkan and the present minister.

Mr. Meadows said the intent was to convey it from the present owner to Mr. Horkan.

Mr. VanLuven asked if the parking could be made part of the permit.

Mrs. Bowen said if the parking agreement was voided, then it would become a zoning violation at that time.

Mr. Barr asked what language should be included in the permit for parking.

Mrs. Gallehr said a condition of the permit should be to provide a commitment for

off street parking for the period of time of the permit.

Mr. Meadows asked the time of classes, and Mr. Horkan said adults are one hour, juniors are forty five minutes and children are thirty minutes with a lapse between classes.

Mr. Lofdahl said with a one hour class and the facility at maximum capacity there could be 150 people. The parking is not adequate for that. He suggested a half hour gap between classes.

On motion made by Mr. Meadows and seconded by Mr. Van Luven the application was deferred until August 1, 2002.

The motion carried unanimously.

**VARIANCE #49479 LAURIE J. ENRIGHT (OWNER)**

Applicant is requesting an amendment to variance #29172 granted by the Board of Zoning Appeals, August 4, 1988. The applicant wishes to have a goat in addition to two horses permitted under the variance. The property is zoned R-1 and is located at 6735 Bridle Path, Scott Magisterial District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Ms. Laurie Enright appeared at the meeting representing her variance. She stated that the staff report given by Mr. Hodge was correct.

Mrs. Bowen stated that staff met on site with Ms. Laurie Enright and Mrs. Lisa Heckathorn to try to work out the differences. Mrs. Heckathorn's concern were not so much with the goat being on the site but the site being too small in her opinion to have two horses. Mrs. Bowen stated if the barn was removed the zoning ordinance does not control the number of animals.

Mr. Meadows said the stable required the variance, without the stable there is no zoning control.

Mrs. Bowen said the horses should be the property of the owner, and the facility should not be used as a boarding stable.

Mr. Meadows asked Ms. Enright if the horses were hers personally and she replied that she owned the horses.

Mrs. Bowen said the original owners wanted four horses, but the BZA granted the variance with a condition that there only be two horses.

Mr. Meadows said the next owner may ask to add other animals.

Mrs. Bowen said that is their right to request.

On a motion made by Mr. Meadows and seconded by Mrs. Mailler, in application No. 49479, it was moved to approve the variance based on the Board's findings, after due notice and hearing, as provided by the Code of Virginia Section 15.2-2204:

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would effectively prohibit or unreasonably restrict use of the property because of the limitation of two horses.
3. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscating, and is distinguished from a special privilege or convenience sought by the applicant.
4. The hardship or restrictions on the use of the property are by reason of exceptional topographic conditions or other extraordinary situation or condition of the property.
5. The size or shape, exceptional conditions, or extraordinary situation which result in the hardship or restrictions on the use of the applicant's property is for two horses.
6. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
7. The strict application of the Ordinance will produce undue hardship.
8. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as amendment to the Ordinance.
9. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
10. The variance approved allows one goat to be kept in addition to the two horses.

The motion carried unanimously.

**SPECIAL PERMIT #49604 CHARLES ALLEN & SHIRLEY L. MOFFETT (OWNERS)  
& FAMILY WORSHIP CENTER (CONTRACT OWNER)**

Applicants are requesting special permit approval to construct a place of worship on a portion of the site. The property is zoned R-1 and is located on Route 28, Cedar Run Magisterial District, Midland, Virginia.

Mr. Hodge stated that a site visit was made this morning. He reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Harold Byler appeared at the meeting representing his special permit. He stated the report given by Mr. Hodge was correct.

Mr. Lofdahl asked if they objected to the noise, flies or odor because of the location of the property. To the adjacent dairy farm?

Mr. VanLuven also added they would be in the path flight of the airport.

Mr. Byler said that his church was currently located next to the railroad tracks at Catlett and the congregation did not object to the location of the new site with regard to the dairy farm and the airport.

No one else spoke in favor or against the application.

On a motion made by Mr. VanLuven and seconded by Mr. Tufts, in application No. 49604, it was moved to approve the special permit based on the Board's findings, after due notice and hearing, as provided by Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards that apply to the use in question

#### **5-601      Standards for All Category 6 Uses**

No off-street parking or loading area shall be located within any required yard or within 25 feet of any lot line in or adjoining a Residential or Rural District.

#### **5-602      Additional Standards for Places of Worship**

Uses proposed in conjunction with places of worship shall be subject to

regulations applicable to such use (e.g., schools, athletic facilities).

5. The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance)

(a) site plan approval as required.

The motion carried unanimously.

**SPECIAL PERMIT #49686 ANDREA MCKENZIE (OWNER) & LYNN & BETTY WEST (CONTRACT OWNERS)**

Applicant is requesting a special permit for her daughter to operate a day care. The property is zoned R-4 and is located at 8612 Anderson Avenue, Marshall Magisterial District, Marshall, Virginia.

Mr. Hodge stated that a site visit was made this morning. He reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Ms. Betty West appeared at the meeting representing her special permit. She stated that the report given by Mr. Hodge was correct.

Mr. Meadows stated that there was a grassy area between pavement and patio so he didn't feel the drawing was the same as what he saw on the site visit.

Mr. Lofdahl asked how they were going to obtain seven parking spaces.

Ms. West said three cars could park in the driveway and four in the front of the property.

Mr. Lofdahl asked if the staff would park in the driveway.

Ms. West said yes.

Mr. Lofdahl asked how would people exit the property?

Ms. West said they would pull forward and back out.

Mr. Meadows asked how many dwellings were on Anderson Avenue, and Ms. West said thirteen.

Mr. Meadows Ms. West if she knew asked how many children lived on Anderson Avenue.

Ms. West state she did not know.

Mr. Van Luven asked the length of the driveway, and Ms. West said she thought thirteen feet

Mr. Van Luven said the cars could not turnaround.

Ms. Addison asked how many employees, and she replied two.

Mrs. Bowen said a handicap parking space is required.

Mr. Barr asked if anyone would like to speak.

Elizabeth Taylor presented a petition with a photo display of the property and stated her concern regard the traffic and parking.

Mrs. Taylor asked that the petition and photo display become part of the record.

Mary Ann Risdon voiced her concern about cars backing out into the street.

Philip Lewis read a letter from Mr. and Mrs. DiZerega, the owners of the property where he is the tenant. He stated his concern with the narrowness of the street. He said he has seen people trying to make the turn at the corner and it is hard to see.

Charles Risdon stated said his concern with the added traffic and noise to Anderson Avenue.

Heather Wheeler, who will work at the day care, said clients will know where to park and how to exit. There will only be eight cars twice a day. This will be a learning environment and outdoor play will be limited and in the fenced area.

Ms Heath Wheeler, the daycare operator, stated that her clients will know where to park and how to exit. She stated she only expected eight cars twice a day. She stated that this will be a learning environment with play time in the fenced area located to the rear of the dwelling.

Mr. Lofdahl said a day care is desirable in the right location but he felt this to be a bad location.

Mr. Meadows reiterated there was no way for cars to turnaround and the street is too narrow for a day care.

On a motion made by Mr. Meadows and seconded by Mr. Lofdahl, in application No. 49686, it was moved to deny the special permit based on the Board's findings, after due notice and hearing, as provided by Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will adversely effect the use or development of neighboring properties.
2. It is not in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does not conform to the general

standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.

3. The use will not be compatible with the neighborhood in which it is to be located.
4. The application does not comply with the specific standards which apply to the use in question.
5. The applicant has other reasonable use of the property.

**VARIANCE #49708 STEPHEN & MICHAL CALLAGHAN**

Applicants are requesting a variance to a side yard requirement for a proposed garage. The property is zoned R-1 and is located at 6121 Mint Springs Drive, Scott Magisterial District, Warrenton, Virginia.

Mr. Hodge stated that a site visit was made that morning. He reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Stephen Callaghan appeared at the meeting representing his variance. He stated the report given by Mr. Hodge was correct. He also stated that the lot is less than one acre and to meet the setbacks would make entry into the garage hard to accomplish.

Mr. Tufts asked if he could build a one car garage?

Mr. Callaghan said no, he would like to construct a two car garage for his additional vehicles and lawn and garden equipment.

Mr. Meadows asked if he had a two car garage presently.

Mr. Callaghan said yes. He has three vehicles, two of which are in the garage and one in the driveway.

No one else spoke in favor or against the application.

On motion made by Mrs. Mailler and seconded by Mr. Meadows it was moved to deny the variance based on the Board's findings, after due notice and hearing, as provided by the Code of Virginia Section 15.2-2204:

1. The property was not acquired in good faith; and
2. Strict application of the Ordinance would not effectively prohibit or unreasonably restrict use of the property;
3. The granting of the variance will not alleviate a clearly demonstrable hardship approaching confiscation, and is not distinguished from a special privilege or convenience sought by the applicant.

4. The hardship or restriction on the use of the property is not by reason of exceptional topographic conditions or other extraordinary situation or condition of the property.
5. The variance will not be in harmony with the intended spirit and purpose of the Ordinance, and would not result in substantial justice being done.
6. The strict application of the Ordinance will not produce undue hardship.
7. Such hardship is generally shared by other properties in the same zoning district and the same vicinity, and is of so general and reoccurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
8. The authorization of the variance will be of substantial detriment to adjacent property that the character of the district will be changed by the granting of the variance.

Motion carried unanimously.

**SPECIAL PERMIT #49723 SIMPSON PROPERTIES, LLC (OWNER) & S. H. SMITH REAL ESTATE, LLC (CONTRACT OWNER)**

Applicant is requesting a special permit to locate a business office of more than 5,000 square feet for a drywall business. The property is zoned C-2 and is located at Lot 6, New Baltimore Business Park, Scott Magisterial District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Joe Simpson appeared at the meeting representing his special permit. He stated the report given by Mr. Hodge was correct.

Mr. Meadows asked if the site plan included landscaping, parking, ect.

Mrs. Bowen said yes.

No one else spoke in favor or against the application.

On motion made by Mr. Lofdahl and seconded by Mr. Meadows , in application No. 49723, it was moved to approve the special permit based on the Board's findings, after due notice and hearing, as provided by Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable

provisions of the adopted Comprehensive Plan , and does not conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.

3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question.
5. The special permit is granted subject to the following conditions, safeguards and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance)

(a) site plan approval

**SPECIAL PERMIT #49733 L. RUTH BOWER (OWNER) & MICHAEL C. & CINDY LEE BOWER (CONTRACT OWNERS)**

Applicants are requesting a special permit to locate a kennel that will handle a maximum of 60 dogs and 60 cats. The property is zoned RA and is located at 7787 Greenwich Road, Cedar Run Magisterial District, Catlett, Virginia.

Mr. Hodge stated that a site visit was made this morning. He reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Michael Bower appeared at the meeting representing his special permit. He stated that the report given by Mr. Hodge was correct. He stated he regretted not being able to speak with the neighbors. He discussed the application he had made. He further stated he had visited kennels in Culpeper and Fauquier Counties as well as the Health Department and SPCA. He stated that he was still deciding how to dispose of the waste but work with the Health Department for the proper procedure.

Mr. Meadows asked if the cats and dogs would be separated.

Mr. Bower said cats would be in a separate room. There will be barriers between the dog runs and there will be a six foot privacy fence around the entire outside perimeter of the kennel for noise reduction.

Mr. Barr asked if anyone would like to speak.

Mr. Kevin Owen a nearby property owner stated his concerns regarding odor and the use of water.

Mr. Meadows asked where Mr. Owen's property was on the aerial map, Mr. Owen showed his property on the map. He stated he is about 1000 feet away and he felt the noise and smell would be a problem.

Mr. Lofdahl stated that the farm had cattle on it now.

Mr. Owen said agriculture odors are different from kennel odor.

Mrs. Robin Owen presented a petition in opposition.

Mrs. Owen asked what type of chemicals would be used for sanitizing. She was concerned about unwanted dogs being dropped off. She stated that other kennels have vacancies and she didn't feel another kennel was needed.

Mrs. Catherine Leach was concerned about the added traffic. She is also concerned about the barking dogs causing the neighborhood dogs to bark. She is afraid her property value will decline. She also was concerned about people dropping off unwanted dogs. She has worked at a kennel and knows the hard work involved. She stated that Mr. Bower is not putting the kennel on his property.

Mr. Meadows asked if it is a requirement for the owner to live on the property.

Mrs. Bowen said there is not a standard requiring residency but it could be a condition if the BZA wished. Mrs. Ruth Bower stated that she lives on the property.

Mr. Meadows asked if the property could have cattle.

Mrs. Bowen said yes the property can have farm animals it is zoned Rural Agriculture.

Mr. Meadows asked if the kennel would be fully insulated, Mr. Bower said yes.

Mr. Meadows asked if it is part of the Zoning Ordinance for an attendant to be on site when the dogs are outside or does it need to be a condition of the special permit.

Mrs. Bowen said no it is not part of the Zoning Ordinance, but it could be a condition of the special permit.

Mr. Meadows asked if someone will be there at all times, Mr. Bower said yes.

Mr. Meadows asked if the door would be closed to keep dogs inside the building out of the runs and if the kennel is totally insulated with no noise to escape?

Mr. Bower said he spoke with builders of insulated walls and it will be sound proof when the dogs are inside.

Mrs. Cathleen Reed said her concern was the feces in the run, and if the kennel would be inspected.

Mrs. Angela Contreras stated her concern for the amount of water that would be used and also for the safety of the neighborhood children. She wanted to know who would make sure the rules would be followed.

Mrs. Bowen stated whatever conditions were placed on the special permit would be kept in compliance by the Zoning Office.

Mrs. Lois Cross stated her concern was about the type of sound barrier that would be in place.

Mrs. Dorothy May stated she lived parallel to the property but on Route 605. She said she had lived there for a number of years and she did not object to the location of the kennel.

Mr. Paul Reeves stated he was opposed to the special permit request for a kennel.

Mr. Bower said he planned to meet all standards and obtain AKA certification. He further stated that he knew he would be required to obtain site plan approval and building permits.

Mrs. Mailler asked if there would be a sign?

Mr. Bower said yes.

Mrs. Bowen stated the sign would have to zoning ordinance requirements. .

Mr. Meadows stated that no adjoining property line is closer than six hundred feet. He asked what decibel level the dogs would emit at six hundred feet, and would the noise drop in intensity the further away it was?

Mr. Lofdahl stated that is correct, the noise drops in intensity.

In response the neighbor's statements that she does not live on the property, Mrs. Ruth Bower stated that her legal address was Dumfries Road but that she lived at this address on Greenwich Road.

Mr. VanLuven asked how many dogs to a run, the response was a maximum of two. If pets were used to being together it would seem best to keep them together when brought to a kennel.

Mr. Bower said there would be no dogs outside between 10 pm and 6 am.

Mr. Meadows stated that it can be a condition of the special permit that the dogs be kept inside at night.

Mr. Lofdahl asked if the feces disposal is regulated by the Health Department.

Mr. Bower stated they needed approval for liquid waste from the Health Department.

Mrs. Bowen stated the Health Department will have to approve the site plan.

On motion made by Mr. Meadows and seconded by Mr. Tufts, in application No. 49733, it was moved to approve the special permit based on the Board's findings, after due notice and hearing, as provided by Code of Virginia Section 15.2-2204 and Section 5-009 of the Fauquier County Code:

1. The proposed use will not adversely effect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards which apply to the use in question.

**5-1301 Additional Standards for Kennels**

1. The minimum lot size requirement shall be two (2) acres.
  2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not apply to structures which are completely enclosed, adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
  3. All dogs shall be kept in pens designed and maintained for secure confinement.
  4. In consideration of an application for a permit, the BZA shall take into account the numbers and kinds of dogs proposed to be kept and the characteristics thereof and may prescribe conditions with respect thereto.
  5. Maximum of ten (10) dogs per acre.
5. The special permit is granted subject to the following conditions, safeguards and restrictions upon the proposed uses as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance: (Conditions including, but not limited to, those recited in Section 5-007 A-L of the Zoning Ordinance):

- (a) maximum of 60 dogs and 60 cats
- (b) hours of operation:  
Monday through Saturday 8am – 10 am and 4pm – 6pm  
Sunday 4pm – 6pm pick up only
- (c) attendant present during hours when animals are in runs 7am – 8 pm
- (d) special permit time limit is three years
- (e) site plan approval

**REVOCATION OF SPECIAL PERMIT #44505 ROY L. & LOU ANNE  
BOATWRIGHT (OWNERS) & HENRY MERCKLI (TENANT)**

Mrs. Bowen requested revocation of special permit #44505 issued on September 2, 1999. She reviewed a letter she had sent to Mr. and Mrs. Boatwright and Mr. Merckli dated June 24, 2002.

Mr. Van Luven asked if it would be a public hearing, and Mrs. Bowen replied that on an appeal it would be a hearing not a public hearing as is held by the BZA on special permits and variances. The hearing is open to the public to listen but it is up to the Chairman as to who can speak.

On motion made by Mr. Meadows and seconded by Mrs. Mailler, it was moved to hold a hearing on the revocation of special permit # 44505 issued to Mr. and Mrs. Boatwright and Mr. Merckli at the next meeting to be held on August 1, 2002.

**BZA TRAINING** Mrs. Bowen stated that a training session with the County Attorney's Office would be scheduled in the Fall.

**ADJOURNMENT:** There being no further business before the Board, the meeting adjourned at 5:00 P.M.

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William W. Barr, Chairman

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Margaret Mailler, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

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